

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

CAROLYN PURDY,

Plaintiff,

Civil Case No. 15-10949  
Honorable Linda V. Parker

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

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**OPINION AND ORDER (1) ADOPTING MAGISTRAT JUDGE’S AUGUST  
19, 2016 REPORT AND RECOMMENDATION (ECF NO. 19); (2)  
GRANTING IN PART PLAINTIFF’S MOTION FOR SUMMARY  
JUDGMENT (ECF NO. 15); (3) DENYING DEFENDANT’S MOTION FOR  
SUMMARY JUDGMENT (ECF NO. 16); AND (4) REVERSING  
COMMISSIONER’S DECISION AND REMANDING FOR FURTHER  
PROCEEDINGS**

On March 12, 2015, Plaintiff filed this lawsuit challenging the Commissioner of Social Security’s (“Commissioner’s”) final decision denying Plaintiff’s application for Social Security Act benefits. The Court has referred the matter to Magistrate Judge Stephanie Dawkins Davis for all pretrial proceedings, including a hearing and determination of all non-dispositive matters pursuant to 28 U.S.C. § 636(b)(1)(A) and/or a report and recommendation (“R&R”) on all dispositive matters pursuant to 28 U.S.C. § 636(b)(1)(B). The parties have filed cross-motions for summary judgment. (ECF No. 15, 16.)

On August 19, 2016, Magistrate Judge Davis issued an R&R recommending that this Court grant Plaintiff's motion, deny the Commissioner's motion, reverse the Commissioner's decision, and remand the matter for further proceedings pursuant to sentence four of 42 U.S.C. § 405(g). (ECF No. 19.) In the R&R, Magistrate Judge Davis concludes that the Administrative Law Judge ("ALJ") erred in evaluating the opinion of Plaintiff's treating psychiatrist, Leon Quinn M.D. (*Id.* at Pg ID 519-24.) Specifically, Magistrate Judge Davis finds that the ALJ failed to provide sufficient reasons for why he disregarded Dr. Quinn's opinion. (*Id.*) Magistrate Judge Davis also concludes that the ALJ failed to explain why he gave "significant weight" to the state agency, non-examining psychological consultant, Thomas Horner, Ph.D, but disregarded those aspects of Dr. Horner's opinion that were favorable to Plaintiff. (*Id.* at 526-27.)

At the conclusion of the R&R, Magistrate Judge Davis advises the parties that they may object to and seek review of the R&R within fourteen days of service upon them. (*Id.* at Pg ID 528-29.) She further specifically advises the parties that "[f]ailure to file specific objections constitutes a waiver of any further right to appeal." (*Id.* at Pg ID 528, citing *Thomas v. Arn*, 474 U.S. 140 (1985); *Howard v. Sec'y of Health and Human Servs.*, 932 F.2d 505 (6th Cir. 1991).) Neither party filed objections to the R&R.

The Court has carefully reviewed the R&R and concurs with the conclusions reached by Magistrate Judge Davis. The Court therefore adopts Magistrate Judge Davis's August 19, 2016 R&R.

Accordingly,

**IT IS ORDERED**, that Plaintiff's motion for summary judgment is **GRANTED IN PART**;

**IT IS FURTHER ORDERED**, that Defendant's motion for summary judgment is **DENIED**;

**IT IS FURTHER ORDERED**, that this matter is **REMANDED** pursuant to sentence four of 42 U.S.C. § 405(g) for further proceedings consistent with the R&R.

s/ Linda V. Parker  
LINDA V. PARKER  
U.S. DISTRICT JUDGE

Dated: September 13, 2016

I hereby certify that a copy of the foregoing document was mailed to counsel of record and/or pro se parties on this date, September 13, 2016, by electronic and/or U.S. First Class mail.

s/ Richard Loury  
Case Manager